

Applicant submits this letter in accordance with the following direction provided by the Office in its comments regarding possible errors in calculation of the Patent Term Adjustment:

A registered practitioner is under a general obligation of candor and good faith in practice before the Office. . . . [A] practitioner signing the PTOL-85B does so pursuant to § 10.18, which means, for example, . . . that the patent term adjustment is correct to the best of his or her knowledge, information and belief, formed after an inquiry reasonable under the circumstances. . . . In order to comply with this duty and where the correct adjustment is thought to be less than indicated by the Office, an application for term adjustment under § 1.705(b) need not be filed. Instead, a letter could be filed with the issue fee payment, indicating that the term adjustment is thought to be longer than appropriate. (emphasis added).

Changes To Implement Patent Term Adjustment Under Twenty-Year Patent Term; Final Rule, 65 Fed. Reg. 56366, 56387 (September 18, 2000) (Office's response to comments) (Final Rule codified at 37 C.F.R. pt. 1).

Respectfully submitted,



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